

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. § CIVIL ACTION NO.
§
\$39,759.00 IN U.S. CURRENCY, §
Defendant in rem §

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against approximately \$39,759.00 in United States currency, Defendant in rem, and alleges the following.

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 31 U.S.C. §5317(c)(2).

Defendant in Rem

2. Defendant in rem is approximately \$39,759.00 in United States currency that was seized from Mohammed Rabiul Islam, at the George Bush Intercontinental Airport in Houston, Texas, on April 8, 2010.

Jurisdiction and Venue

3. This Court has jurisdiction under 28 U.S.C. §1335 because this is an action for forfeiture.

4. Under 28 U.S.C. §§ 1335 and 1335(a) and (b), venue is proper in this Court because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas; the property was found in the Southern District of Texas; and this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendant in rem is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) which provides that any property involved in violations of 31 U.S.C. §§ 5316 and 5324(c) may be forfeited to the United States.

6. Under 31 U.S.C. § 5316(a)(1)(A), a person shall file a report when the person knowingly transports, is about to transport, or has transported a monetary instrument of more than \$10,000 out of the United States.

7. Under 31 U.S.C. § 5324(c)(1) no person shall, for the purpose of evading the reporting requirements of section 5316, fail to file a report required by 31 U.S.C. § 5316. Also under 31 U.S.C. § 5324(c), no person shall, for the purpose of evading the reporting requirements of section 5316, file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact.

8. United States currency is a monetary instrument under 31 U.S.C.

§5312(a)(3)(A).

Facts

9. On April 8, 2010, Mohammed Rabiul Islam was about to leave the United States aboard Emirates Airlines flight number 212 for Dubai, United Arab Emirates, at the George Bush Intercontinental Airport in Houston, Texas. As part of a routine Customs outbound inspection, a United States Customs and Border Protection Officer (CBP Officer) on the jetway for this flight asked Mr. Islam if he was in possession of ten thousand dollars or more for himself or any other individuals. Mr. Islam said “I am in possession of eight thousand dollars and I am not carrying any money for other people.” The officer explained to Mr. Islam that if he was transporting more than \$10,000, he must report this to the United States government. In this jetway, there were placards which advised passengers about their reporting requirements for transporting currency into or out of the United States. Mr. Islam again told the officer that he only had \$8,000, and he confirmed in writing that he was carrying only \$8,000.00.

10. The CBP Officer directed Mr. Islam to a private area to verify that Mr. Islam was carrying only \$8,000.00. The Officer asked Mr. Islam to place his currency on a table for verification. Mr. Islam presented his wallet which contained \$4,859.00. Next the officer discovered \$5,900 in Mr. Islam’s jacket

pocket. The officer then inspected Mr. Islam's luggage. The officer found \$10,000 in Mr. Islam's black carry on bag, \$10,000 in his black toiletry bag and \$9,000 in another carry on bag. In total, the officer found that Mr. Islam was about to take out of the United States approximately \$39,759 without declaring these funds. CBP Officers seized these funds for forfeiture.

Relief Requested

11. Plaintiff requests an arrest warrant and summons pursuant to Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a judgment of forfeiture, and costs and other relief to which the Plaintiff may be entitled.

Dated: June 17, 2010.

Respectfully submitted,

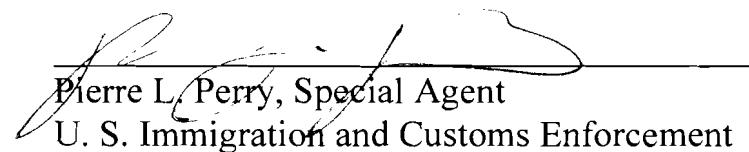
José Angel Moreno
United States Attorney

By: /s/ Albert Ratliff
Albert Ratliff
Attorney-in-Charge
NY Bar No. 1073907
SDTX Bar No. 6764
Assistant United States Attorney
United States Attorney's Office
P. O. Box 61129
Houston, Texas 77208
E-mail: albert.ratliff@usdoj.gov
Office: (713) 567-9579
Fax: (713) 718-3300

Verification

I, Pierre L. Perry, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and the facts stated in this complaint are true and correct to the best of my knowledge and belief.

Executed on June 17, 2010.



Pierre L. Perry, Special Agent
U. S. Immigration and Customs Enforcement